

## **Remarks**

### **1. Summary of Office Action**

In the Office Action mailed April 24, 2007, the Examiner indicated that the amendment filed on January 18, 2007 was not entered and was considered non-responsive. The Examiner held that amended claims 1 and 9 were considered to be drawn to non-elected invention III, since the recited limitations would infer a viewing positioning detector (i.e., claims 6 and 13).

The amendment filed on January 18, 2007 was filed in response to the Office Action mailed on September 18, 2006. In the Office Action mailed September 18, 2006, the Examiner rejected claims 1-4 and 9-11 under 35 U.S.C. § 112, second paragraph, as being indefinite. Further, the Examiner rejected claims 1-4 and 9-11 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,193,380 (hereinafter "Jacobs").

### **2. Interview Summary**

The undersigned (and Themis Anagnos, Reg. No. 47,388), held a telephone interview with the Examiner on May 21, 2007, for which Applicants thank the Examiner. During the interview, details of the Office Action, pending claims, and restricted subject matter were discussed among the participants. The Examiner maintained that claims 1 and 9 amended in the January amendment were drawn to non-elected subject matter of Group III. Further, the Examiner indicated that Applicants may present further arguments or may amend the claims in a different manner (e.g., in terms of signals involved/control system).

**3. Claim Amendments**

Applicants have amended herein claims 1, 2, 9, and 10 to recite the invention more particularly/clearly. Applicants respectfully request entry of this amendment.

Pending are claims 1-4 and 9-11, of which claims 1 and 9 are independent and the remainder are dependent.

**4. Response to Rejections in the Office Action mailed September 18, 2006**

**a. Response to §112 Rejections**

As noted above, claims 1-4 and 9-11 were rejected on grounds of indefiniteness. Applicants have amended independent claims 1 and 9, and believe that the above amendments overcome the Examiner's rejections with respect to claims 1-4 and 9-11. Reconsideration and withdrawal of the 112 rejections are respectfully requested.

**b. Response to §102 Claim Rejections**

As further noted above, the Examiner rejected claims 1-4 and 9-11 on grounds of anticipation in view of Jacobs.

Under M.P.E.P. § 2131, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Applicants respectfully traverse the rejections of claims 1-4 and 9-11, because Jacobs does not disclose or suggest each and every element as recited in any of these claims.

The present application is directed to a method and apparatus for automatic viewing of a vehicle blind spot.

In this regard, amended claim 1 for instance, recites an apparatus including: (i) at least one motor mechanically coupled to a mirror for positioning the mirror, and (ii) an

object detector for detecting objects within a visual blind spot of a vehicle, wherein, when an object is detected, the object detector provides a detection signal to the at least one motor to adjust a position of the mirror to provide a view of the blind spot of the vehicle to a driver of the vehicle, and wherein the at least one motor adjusts the position of the mirror to provide the view of the blind spot of the vehicle *based at least on a viewing position signal corresponding to a viewing position of the driver, the viewing position signal provided to the at least one motor when the object is detected in the vehicle blind spot by the object detector.*

Similarly, claim 9 now recites a motor vehicle having an apparatus to observe objects in a visual blind spot of a vehicle, the motor vehicle comprising: (i) a side view mirror, (ii) at least one motor mechanically coupled to the side view mirror for positioning the side view mirror, (iii) a controller for controlling the at least one motor, (iv) and an object detector for detecting objects within a visual blind spot of a vehicle, wherein, when an object is detected, the object detector provides a detection signal to the controller, wherein the controller, *based at least on a first control signal corresponding to a viewing position of a driver, the first control signal provided to the controller when the object is detected in the vehicle blind spot by the object detector, provides a second control signal to the at least one motor to adjust a position of the side view mirror to provide a view of the blind spot of the vehicle to the driver of the vehicle, and wherein the at least one motor responsively adjusts the position of the side view mirror to provide the view of the visual blind spot of the vehicle.* (Each of claims 2-4 and 10-11 depend from claim 1 or 9 and necessarily includes all of the limitations of a respective independent claim 1 or 9).

Applicants respectfully submit that the cited Jacobs reference fails to disclose or suggest the invention as presently claimed by Applicants. For instance, at a minimum, Jacobs fails to disclose or suggest the claimed limitation of “wherein the at least one motor adjusts the position of the mirror to provide the view of the blind spot of the vehicle based at least on a viewing position signal corresponding to a viewing position of the driver, the viewing position signal provided to the at least one motor when the object is detected in the vehicle blind spot by the object detector”, as recited in claim 1.

Similarly, Jacobs fails to disclose or suggest the claimed limitation of: “wherein the controller, based at least on a first control signal corresponding to a viewing position of a driver, the first control signal provided to the controller when the object is detected in the vehicle blind spot by the object detector, provides a second control signal to the at least one motor to adjust a position of the side view mirror to provide a view of the blind spot of the vehicle to the driver of the vehicle, and wherein the at least one motor responsively adjusts the position of the side view mirror to provide the view of the visual blind spot of the vehicle”, as recited in claim 9.

In general, Jacobs teaches a system in which a motor temporarily moves a vehicle mirror from a pre-set normal viewing position to a pre-set blind spot viewing position when another vehicle is detected in the vehicle’s blind spot. As noted by the Examiner (*see, e.g.*, the passage at col. 2, lines 31-38), Jacobs generally discloses that:

“The pre-set positions are likely to vary for different drivers, depending upon the location of the driver relative to the side view mirror and the normal viewing angles of the driver. These positions may depend on the height of the driver or the position of the driver's eyes relative to the vehicle side view mirrors. Thus, the system *requires adjustability* for each particular driver.”

(Emphasis added).

Further, in Figure 9 and the accompanying text at col. 5, line 55, to col. 6, line 7, (see additionally col. 4, lines 58-61), Jacobs then explains the steps *a driver must carry out* in order to pre-set the system for use. In this regard, according to Jacobs:

“The normal and blind spot viewing positions may vary from one driver to another. Also the positions may vary if a particular driver moves the vehicle seat either rearwardly or forwardly or up and down. **Consequently, the driver may have to re-set the normal and blind spot viewing positions from time to time.**”

Although Jacobs recognizes that a blind spot viewing position may depend on viewing characteristics of a driver (e.g., driver’s viewing angle, position of the driver’s eyes, etc.), the system of Jacobs functions in a different way from that presently claimed by Applicants.

Specifically, in Jacobs, *a driver must initially manually pre-set* a blind spot viewing position to account for driver’s viewing characteristics. As acknowledged by Jacobs, this initially pre-set position *may then have to be re-set by the driver* if the driver’s viewing position changes for one reason or another later on.

**In contrast**, in the claimed invention, for example, “the at least one motor adjusts the position of the mirror to provide the view of the blind spot of the vehicle *based at least on a viewing position signal corresponding to a viewing position of the driver, the viewing position signal provided to the at least one motor when the object is detected in the vehicle blind spot by the object detector*”.

Thus, unlike Jacobs, the claimed invention calls for a dedicated viewing position signal (corresponding to a viewing position of a driver) that is provided to a motor/motor controller when an object is detected in a vehicle blind spot by an object detector. The motor may then adjust a mirror position to provide a view of the vehicle blind spot to the

driver based at least on this viewing position signal. As noted in Applicants' specification, various known systems (e.g., thermal, optical, etc.) can be conveniently used to determine the viewing position of the driver and provide such signal.

Advantageously, a motor may automatically, without engaging the driver, adjust the mirror position such that the vehicle blind spot is within the actual view of the driver when the object is detected in the vehicle blind spot.

Because Jacobs does not disclose or suggest the invention as recited in each of claims 1-4 and 9-11, Jacobs fails to anticipate these claims under 35 U.S.C. § 102.

## **5. Conclusion**

In view of the foregoing, Applicants submit that all of the pending claims are in condition for allowance. Therefore, Applicants respectfully request favorable reconsideration and allowance of those claims.

Respectfully submitted,

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By:                     /Joanna Skyles/                    

Joanna Skyles  
Reg. No. 54,454

Temco Automotive of North America, Inc.  
Patents and Licenses  
21440 West Lake Cook Road  
Deer Park, IL  
Tel.: (847) 862-0274  
Fax: (847) 862-8308